

4405. Misbranding of "Mathieu's Cough Syrup." U. S. v. Charles Favreau and Frank Collette (Favreau & Collette). Plea of nolo contendere by defendant Collette. Fine, \$25. Information nolle prossed as to defendant Favreau. (F. & D.-No. 6214. I. S. No. 8975-e.)

On March 11, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Charles Favreau and Frank Collette, trading as Favreau & Collette, Marlboro, Mass., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about February 26, 1913, from the State of Massachusetts into the State of Illinois, of a quantity of "Mathieu's Cough Syrup," which was misbranded. The article was labeled: (On wrapper) "Mathieu's Cough Syrup Alcohol 5½ Per Cent, Two and One-Half Minims of Chloroform to the Fluid Ounce Guaranteed by Favreau & Collette under the Food and Drugs Act June 30, 1906. Serial 757. Formerly Syrup of Tar and Cod Liver Oil. Trade Mark New Label Adopted January 1, 1907. Favreau & Collette, Druggists, Proprietors, Marlboro, Mass. Price 35 Cents. This syrup contains the active principles of tar and cod liver oil and other remedies used by the best physicians, to Relieve Coughs, Colds, Bronchitis, Catarrh, Whooping Cough, Croup and Asthma. This syrup sells now at 35 cents a bottle. This bottle is three times the size of a 25 cent bottle. This Syrup must be retailed at 35 cents a bottle, or 6 bottles for \$1.75. The retail merchant must accept these conditions or return the Syrup. Each infraction will be prosecuted in law for damages. Favreau & Collette." (Similar statements in French.) (On bottle) "Mathieu's Cough Syrup Alcohol 5½ per cent, two and one-half minims of Chloroform to the fluid ounce. Guaranteed under the food and drugs act June 30, 1906 Serial No. 757. Formerly Syrup of Tar and Cod Liver Oil. Favreau & Collette, Marlboro, Mass., Proprietors. This syrup contains the active principles of tar and cod liver oil and other remedies used by the best physicians, to Relieve Coughs, Colds, Bronchitis, Catarrh, Asthma, Whooping Cough, Croup and Scarlet Fever. If this syrup does not give satisfaction, you must increase or decrease the dose according to the effect. Directions.—Shake well and take syrup with as much water. From a half to a tablespoonful 3 or 4 times daily and at night on retiring. If necessary, increase this dose to one tablespoonful three times a day and two on retiring. You must at the same time use it in the following manner: Mix one part of syrup to four of water. For Cold in the Head, Catarrh, Asthma.—Use also this mixture as a nasal douche (sneeze it up from a dessert-spoonful). For Bronchitis, Very Bad Cough, Irritation of the Throat—Use the same mixture as a gargle three or four times a day Dose for Children.—Under one year, 5 to 20 drops; 1 to 3 years a half to one teaspoonful; 4 to 10 years, 1 to 2 tea-spoonfuls. This dose should be repeated every four hours and increased if necessary Weak children subject to cough should take a dose every night during cold and raw weather. This Syrup will stop Scarlet Fever, Croup and Diphtheria. Every one of these diseases begins by a very high fever and hard breathing. Direction.—Give the Syrup in strong doses every half hour during this high fever, if it has not decreased after the third dose, give the child a larger dose to cause vomiting. After, give smaller doses every two or three hours as required to keep the fever down and the breathing easier. Favreau & Collette, Druggists, Marlboro, Mass." The circulars or pamphlets accompanying the article contained, among other things, the following statements: "Croup is very dangerous and very prompt. Give the patient a strong dose of syrup of tar, repeat until the throat is cleared. Do not relax your care until the breathing is easier." "Mathieu's Syrup of Tar and Cod Liver Oil will cure your child."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume) -----	3.75
Solids (per cent) -----	53.77
Ash (per cent) -----	0.22
Sucrose, Clerget (per cent) -----	48.1
Polarizations:	
Direct at 34° C. (°V.) -----	47.4
Invert at 34° C. (°V.) -----	-14.5
Invert at 87° C. (°V.) -----	-0.2
Reducing sugars, as invert (per cent) -----	2.12
Nonsugar solids (per cent) -----	3.55
Chloroform (gram per 100 cc) (approximately) -----	0.16
Cod liver oil, ammonium salts, chlorids, bromids, iodids, antimony, emodin, and opium alkaloids: Absent.	
Tar: Very little, if any.	
Presence of minute quantity of creosote indicated by odor.	
Unidentified extractive matter: Present.	
Menthol: Present.	

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label of the bottle aforesaid, to wit, (In English and French) "This Syrup will stop Scarlet Fever, Croup, and Diphtheria"; and included in the circular or pamphlet aforesaid, to wit, "Croup is very dangerous and very prompt. Give the patient a strong dose of syrup of tar, repeat until the throat is cleared. Do not relax your care until the breathing is easier," "Mathieu's Syrup of Tar and Cod Liver Oil will cure your child," were false and fraudulent in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for scarlet fever, croup, and diphtheria, and as a cure for croup, when, in truth and in fact, said article was not, in whole or in part, so composed, and did not contain such ingredients or medicinal agents.

On October 22, 1915, the defendant Collette entered a plea of nolo contendere to the information, and the court imposed a fine of \$25. The information was nolle prossed as to defendant Favreau.

CARL VROOMAN, *Acting Secretary of Agriculture.*